



05-CV-00121-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEFFREY D. JOHNSTON,

Petitioner,

v.

RICHARD MORGAN,

Respondent.


CASE NO. C05-0121-JCC-MAT

ORDER OF DISMISSAL
WITHOUT PREJUDICE

The Court, having reviewed petitioner's amended 28 U.S.C. § 2254 petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's § 2254 petition is DENIED, and this action is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

DATED this 27 day of Sep, 2005.


JOHN C. COUGHENOUR
United States District Judge

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